

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	
	§	
ROYCE HOMES, L.P.,	§	CASE NO. 09-32467
	§	(Chapter 7)
DEBTOR.	§	
<hr style="border: 1px solid black;"/>		
RODNEY TOW, TRUSTEE,	§	
	§	
PLAINTIFF,	§	
	§	
VS.	§	ADVERSARY 11-3191
	§	
JOHN H. SPEER, AMEGY BANK, N.A.,	§	
AMEGY MORTGAGE COMPANY, LLC,	§	
MICHAEL MANNERS, DONNIE LOU	§	
SPEER, VESTALIA, LLC, HAMMERSMITH	§	
GROUP, LLC, F/K/A HAMMERSMITH	§	
GROUP, INC., PARK LAKE	§	
COMMUNITIES, LP, WATERMARK	§	
TORTUGA, LLC, ALLARD INVESTMENT	§	
COMPANY, LLC, DWM HOLDINGS, INC.,	§	
MGM MOTOR SPORTS, LLC, SARACEN	§	
HOLDINGS, INC., GEORGE KOPECKY,	§	
	§	
DEFENDANTS.	§	

**HAMMERSMITH GROUP, LLC (F/K/A HAMMERSMITH  
GROUP, INC.) JURY DEMAND**  
(relates to docket no. 1)

COMES NOW, Hammersmith Group, LLC (f/k/a Hammersmith Group, Inc.)  
("Hammersmith") and hereby files its Jury Demand and states as follows:

1. On April 28, 2011, Rodney Tow, Chapter 7 trustee (the "Chapter 7 Trustee") filed an adversary complaint (the "Complaint") against the Defendants as listed above.
2. Hammersmith is listed as a Defendant in this Complaint.
3. Hammersmith has not filed a proof of claim in this case or otherwise invoked the equitable jurisdiction of this Court.

4. The claims against Hammersmith are noncore claims.

5. Although its answer to the Complaint is not due until May 31, 2011, and Hammersmith does not intend for this Pleading to constitute its answer, Hammersmith files this timely Jury Demand and in support thereof would show the Court as follows:

6. Rule 9015 of the Federal Rules of Bankruptcy Procedure, which expressly incorporates Rule 38 of the Federal Rules of Civil Procedure, authorizes Hammersmith to request a jury trial on any and all issues triable by a jury. Many of the issues raised by the Chapter 7 Trustee in this Complaint contain factual allegations that are disputed by Hammersmith and are precisely those types of factual disputes that are traditionally submitted to a jury.

7. Although juries are not commonplace for Adversary Complaints, the United States Supreme Court has confirmed that a Defendant, like Hammersmith, is entitled to demand a jury trial on issues that are disputed in this situation. *See, Langenkamp v. Culp*, 498 U.S. 42, 111 S.Ct. 330, 112 L.Ed.2d 343 (1990) (per curiam); *Granfinanciera S.A. v. Nordberg*, 492 U.S. 33, 109 S.Ct. 2782, 106 L.Ed.2d 26 (1989).

8. Hammersmith does not consent to a trial by jury conducted in the Bankruptcy Court.

WHEREFORE, PREMISES CONSIDERED, Hammersmith respectfully prays that all parties take notice of this Jury Demand and, if necessary, that a hearing be held to address the issues, if any, associated with this Jury Demand.

Respectfully submitted this 31st day of May, 2011.

HIRSCH & WESTHEIMER, P.C.

By: /s/ Michael J. Durrschmidt

Michael J. Durrschmidt  
Texas Bar No. 06287650  
700 Louisiana, Floor 25  
Houston, Texas 77002  
Telephone: 713-220-9165  
Facsimile: 713-223-9319  
E-mail: [mdurrschmidt@hirschwest.com](mailto:mdurrschmidt@hirschwest.com)

Attorneys for Hammersmith Group, LLC

**Certificate of Service**

I hereby certify that on the 31st day of May, 2011, a copy of the foregoing Jury Demand was sent to the following parties via first class mail, postage prepaid and/or via the Clerk of the Court through the ECF system.

/s/ Michael J. Durrschmidt

Michael J. Durrschmidt

Rodney Tow  
Tow & Koenig, PLLC  
26219 Oak Ridge Drive  
The Woodlands, Texas 77380

Erin E Jones  
Jones Morris LLP  
6363 Woodway, Suite 570  
Houston, Texas 77057

Julie Mitchell Koenig  
Tow and Koenig PLLC  
26219 Oak Ridge Drive  
The Woodlands, Texas 77380

Michael Duncan  
Cage Hill & Niehaus  
5851 San Felipe, Suite 950  
Houston, Texas 77057

George R Gibson  
Nathan Sommers Jacobs PC  
2800 Post Oak Blvd., 61<sup>st</sup> Floor  
Houston, Texas 77056

C Ed Harrell  
Steven Douglas Shurn  
Hughes Watters & Askanase  
333 Clay, 29<sup>th</sup> Floor  
Houston, Texas 77002

Donnie Lou Speer  
14322 Darschelle Court  
Houston, Texas 77069

Vestalia, LLC  
c/o Capital Corporate Services  
800 Brazos, Suite 400  
Austin, Texas 78701

Watermark Land LLC  
c/o George Kopecky  
21408 Provincial Blvd.  
Katy, Texas 77450

Watermark Land LP  
c/o George Kopecky  
21408 Provincial Blvd.  
Katy, Texas 77450

Watermark Tortuga LLC  
c/o James Hunter  
6511 Riva Ridge Drive  
Richmond, Texas 77406

Peter Johnson  
Law Offices of Peter Johnson  
Eleven Greenway Plaza, Suite 2820  
Houston, Texas 77046

Allard Investment Company, LLC  
c/o Michael Manners  
17510 Red Oak Drive, Suite 100  
Houston, Texas 77090

DMW Holdings, Inc.  
c/o Michael Manners  
17510 Red Oak Drive, Suite 100  
Houston, Texas 77090

MGM Motor Sports, LLC  
c/o Michael Manners  
17510 Red Oak Drive, Suite 100  
Houston, Texas 77090

Saracen Holdings, Inc.  
c/o Michael Manners  
17510 Red Oak Drive, Suite 100  
Houston, Texas 77090

George Kopecky  
21408 Provincial Blvd.  
Katy, Texas 77450